

**STAFF REPORT ON PETITION FOR ZONE MAP AMENDMENT**

**MAR 2014-2: URBAN COUNTY PLANNING COMMISSION**

**DESCRIPTION**

**Zone Change:** To an Historic District (H-1) Overlay Zone

**Acreeage:** 0.40 ± net (0.532 ± gross) acres

**Location:** 149 and 151 Jefferson Street, 611, 638-640 and 644 Ballard Street and 609 West Short Street (rear portion)

**EXISTING ZONING & LAND USE**

<b><u>Properties</u></b>	<b><u>Zoning</u></b>	<b><u>Existing Land Use</u></b>
Subject Property	R-4 & B-1	Residential
To North	R-4 & R-5	Residential
To East	R-5 & B-1	Residential, Restaurant
To South	R-4 & B-1	Residential, Neighborhood Business
To West	R-4 & B-1	Residential, Neighborhood Business

**URBAN SERVICES REPORT**

**Roads** – West Short Street and West Main Street serve as the primary roadways in the Western Suburb Historic District. Jefferson Street is a collector street that crosses both of the primary roadways, and Ballard Street is a local street that functions as a one-way alley and is parallel to Short and Main Streets. The Western Suburb Historic District is located to the northeast of the Lexington Civic Center and Rupp Arena.

**Curb/Gutter/Sidewalks** – Curbs, gutters and sidewalks are typical in the area.

**Storm Sewers** – Storm sewers and drain inlets exist in the vicinity, as is typical of urban city development. No such improvements are available along Ballard Street because it functions as a one-way alley. The subject area is located within the Town Branch watershed. The area is not located within a floodplain or floodprone area.

**Sanitary Sewers** – Sewer service is available to all properties within the area, which is located within the Town Branch sewershed. This area is served by the Town Branch Wastewater Treatment Plant, located off Leestown Road.

**Refuse** – The Urban County Government provides refuse collection to individual properties in this portion of the Urban Service Area on Thursdays.

**Police** – The nearest police station is located on East Main Street in downtown Lexington, less than one mile south of the study area. The subject area is located in Police Sector 2 and is served by the Central Sector Roll Call Center near the intersection of Winchester Road and New Circle Road.

**Fire/Ambulance** – The nearest fire station is located on Jefferson Street (Fire Station #4), approximately 1,000 feet northeast of the subject area.

**Utilities** – Natural gas, telephone service, electric, water, cable television, and street lights are all available to this neighborhood.

**COMPREHENSIVE PLAN AND PROPOSED USE**

The 2013 Comprehensive Plan recommends the protection of historic neighborhoods through several goals, objectives, and policy statements of the Plan. Specifically, Theme A: “Growing Successful Neighborhoods” and Theme D: “Improving a Desirable Community” identify historic preservation and protection of such resources as desirable for our community. The area proposed for the H-1 overlay zone is residential in nature, although the underlying zoning is both residential (R-4) and business (B-1). No land use change is proposed through the application of an Historic District Overlay (H-1) zone for the subject area.

**CASE REVIEW**

The Urban County Planning Commission, at the request of one property owner, has initiated a map amendment to expand the existing Western Suburb Historic District (H-1) Overlay zone to add six parcels consisting of approximately 0.40 net acres. The six parcels are contiguous to the existing Western Suburb Historic District, which was designated by the local government in 1975.

The subject area is located less than one mile northeast of downtown, between West Short Street and West Second Street; and between Jefferson Street and Old Georgetown Street. The subject area contains six parcels, two of

which are zoned Neighborhood Business (B-1) along Jefferson Street, while the remaining four parcels along Ballard Street are located in a High Density Apartment (R-4) zone; however, these six properties are residential in nature.

The subject area is surrounded by a mixture of zoning and land uses. Along Jefferson Street, there is resurgence of activity and fairly new neighborhood businesses, including restaurants; a wine shop and a bar; an elementary school and historic residential structures. Small residential cottages, garages for houses along West Short Street, and a few warehouse structures are scattered along Ballard Street, which functions as a one-way alley between Jefferson Street and Old Georgetown Street to the north. West Short and Jefferson Streets serve as primary vehicular and pedestrian connections in the neighborhood. Rupp Arena and the Civic Center are adjacent to the eastern edge of the existing Western Suburb Historic District (H-1) along Main Street. The Mary Todd Lincoln House, which forms that edge, is the most well-known structure within the District today.

The subject area is also in close proximity to other Local Historic (H-1) Districts, including the Northside Historic District, which lies to the east and north of the Western Suburb; and the Woodward Heights Historic District, which lies to the southwest along West High Street.

The request to initiate the proposed H-1 Overlay zone was made by the Bill Johnston, a long-time active resident of the area, who has a desire to see structures that he has renovated and protected added to the local historic district. Originally, he proposed adding properties that he had an interest in; but to make the expansion contiguous to the existing boundary, two other parcels were added and those property owners were supportive of his request.

The Planning Commission initiated the zone change at his request and with 100% support from the property owners.

The properties that are proposed to be added to the Historic District were studied by the Division of Historic Preservation and summarized in their *Expansion of Western Suburb Historic District (H-1) Designation Report* to the Board of Architectural Review. The current H-1 Overlay zoning was adopted by the Urban County Council in 1975 at the request or petition of the Board of Architectural Review. At that time, the BOAR requested that this district be adopted following the recommendation of the *Historical Survey and Plan for Lexington and Fayette County* (1970), an adopted plan of the Planning Commission. Within a year of being recognized as a local historic district, the Western Suburb was also entered in the National Register of Historic Places. The proposed expansion to a local historic district is occurring for the first time in Lexington, to the staff's knowledge.

The Western Suburb was originally developed in the early part of the nineteenth century, when the area west of Broadway was opened for development at the edge of the downtown commercial and residential areas. This area is representative of the second major development phase of the city, providing residential lots for the construction of dwellings for many prosperous tradesmen and craftsmen. Many tradesmen either built or bought residences in the Western Suburb to be near their businesses.

In addition, the *Designation Report* notes that the names of distinguished citizens, some directly related to the founding of Lexington, are also found to have connections to the Western Suburb. James McConnell, one of Lexington's founders, provided a house for his daughter and son-in-law, as did John Bradford, then editor of The Kentucky Gazette. Mary Todd Lincoln's childhood home is also located within the Western Suburb.

The Western Suburb has an interesting mix of architectural styles, and the six properties proposed for inclusion are similar to the larger Historic District in that regard. The dwellings along Ballard Street (formerly Gillis Alley), and one of the dwellings on Jefferson Street (at its intersection with Ballard Street) are of a much simpler architectural style than their counterparts on West Short Street. These four dwellings are smaller, one-story cottages of varied time periods. The second of the two dwellings on Jefferson Street is an example of some of the earliest construction in the Western Suburb; it is a substantial two-story Federal style residence. All are reflective of the evolution of the neighborhood. The last parcel, the rear portion of 609 West Short Street, was occupied by a multi-family structure; but it was removed a number of years ago, and the lot (formerly 608 Ballard Street) was consolidated with the parcel on West Short Street to create a through lot. This consolidation enabled the property owner to construct a detached garage and reunite the historic house with its full yard space. With its consolidation back to one parcel, there now exists a condition where only a portion of the lot is located within the boundaries of the local historic district. By including the rear portion of the property, there will also be adjacency with the properties across Ballard Street – 149 and 151 Jefferson Street and 611 Ballard – with the existing Western Suburb Historic District boundary.

The Division of Historic Preservation conducted its customary study of the area, presenting its findings to the Board of Architectural Review (BOAR) at a public hearing held on November 13, 2013. The BOAR voted to accept the *Designation Report* for this district and has forwarded it to the Planning Commission with a recommendation of

approval. Within the *Designation Report*, it was noted that creation of an H-1 overlay zone for this area will help to further several of the Goals and Objectives of the 2007 Comprehensive Plan (the current Plan at the time of the Commission's action to initiate and the BOAR's action):

- Goal #3: Promote land uses that are sensitive to the natural and built environment.
- Goal #5: Protect and preserve Fayette County's significant historic and cultural heritage.
- Goal #15: Preserve, protect and enhance the character and quality of existing neighborhoods.

Each of these goals includes several Plan objectives designed to help with their implementation, which were also cited in the Report. The Report also identified two themes and their respective goals and objectives from the 2013 Comprehensive Plan's Goals and Objectives, including:

- Theme A. "Growing Successful Neighborhoods"
  - Goal 3. Provide well-designed neighborhoods and communities.
    - a. Enable existing and new neighborhoods to flourish through improved regulation, expanded opportunities for neighborhood character preservation, and public commitment to expanded options for mixed-use and mixed-type housing throughout Lexington-Fayette County.
- Theme D. "Improving a Desirable Community"
  - Goal 3. Protect and enhance the natural and cultural landscapes that give Lexington-Fayette County its unique identity and image.
    - a. Protect historic resources and archeological sites.
    - b. Incentivize the renovation, restoration, development, and maintenance of historic residential and commercial structures.
    - c. Develop incentives to retain, restore, preserve, and continue use of historic sites and structures, rural settlements, and urban and rural neighborhoods.

As noted in the *Designation Report*, in order to qualify for protection under local historic district (H-1) designation, an area or property must meet at least one of the nine criteria listed in Article 13 of the Zoning Ordinance. The subject area was found to meet four of those nine criteria. Based upon the *Designation Report*, and the findings of the BOAR, this area contributes to the overall streetscape of the area, and the varied architectural style and presence allow them to "fit seamlessly with the overall character of the Western Suburb Historic District." In addition, the properties and structures being considered for inclusion retain their integrity and will add to and complement the history and architecture of the local historic district.

The Staff Recommends: **Approval**, for the following reasons:

1. The expansion to the Western Suburb Historic District Overlay (H-1) zone area is consistent with the following Themes, Goals and Objectives of the 2013 Comprehensive Plan, as well as the text of the 2007 Comprehensive Plan as it relates to Historic Preservation:
  - a. Growing a successful community through well-designed neighborhoods, by encouraging existing neighborhoods to flourish through the use of neighborhood character preservation (Theme A.3.a).
  - b. Improving a desirable community through protection and enhancement of the cultural landscapes that give our community its unique identity and image. This can be accomplished through protection of historic resources (obj. a); encouraging renovation, restoration and maintenance of historic structures (obj. b); and developing incentives to retain, restore, preserve, and continue use of historic sites and structures (Theme D.3.a-c).
2. Historic District Overlay (H-1) zoning for this area would be consistent with the recommendation of the Board of Architectural Review for expansion of the Western Suburb Historic District (H-1) Overlay, with the recommendations found in the *Expansion of Western Suburb Historic District (H-1) Designation Report*, and with the provisions of Article 13-3(g) of the Zoning Ordinance. Specifically, the following findings are applicable to the subject area:
  - a. The structures evaluated in the study area were constructed over a 100-year period, but are representative of the different time periods in which they were built. They reflect the architectural styling popular at the time they were constructed and add to the understanding of how the Western Suburb developed between the early 19<sup>th</sup> century and mid 20<sup>th</sup> century.
  - b. The shallow front setbacks, scale and visual presence of each of the dwellings is an integral part of the overall streetscape. The varied architectural styles fit seamlessly within the character of the Western Suburb Historic District.
  - c. The study area has a similar rhythm of lot sizes, building setbacks, and streetscapes with structures ranging from sizable to quite modest. The footprint of the neighborhood is fairly compact and includes more handsome, brick structures along its primary streets and smaller, vernacular, often frame houses interspersed on its side streets and alleys. The properties and structures in this expansion area retain their integrity and will add to and complement the history and architecture of the existing Western Suburb Historic District.

- d. The study area meets four of the nine criteria necessary in order to establish Local Historic (H-1) Overlay zoning, as listed in Article 13-3(g) of the Zoning Ordinance. According to the *Designation Report*, the criteria met are:
- i. Criteria 13-3(g)(5): It has value as a building that is recognized for the quality of its architecture and that retains significant elements showing its architectural significance.
  - ii. Criteria 13-3(g)(6): It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction or use of indigenous materials.
  - iii. Criteria 13-3(g)(7): It has character as a geographically definable area possessing a significant concentration of buildings or structures united by past events or by its plan or physical development.
  - iv. Criteria 13-3(g)(8): It has character as an established and geographically definable residential neighborhood, agricultural area or business district united by culture, architectural style or physical plan and development.

TLW/BJR/WLS

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